

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDDIE CHAU,
Plaintiff,

v.

J. YOUNG; et al.,
Defendants.

No. C 13-764 SI (pr)

**ORDER DENYING DEFAULT AND
DISCOVERY MOTIONS, AND
SETTING NEW BRIEFING
SCHEDULE**

Plaintiff's motions for entry of default and default judgment are DENIED. (Docket # 13 and # 15.) None of the defendants were in default at the time of plaintiff's motions because they had requested and received an extension of their deadline to file a dispositive motions. At the time plaintiff filed his motions, defendants' dispositive motion was not yet due, let alone overdue.

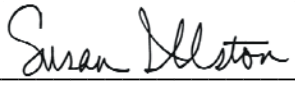
Plaintiff filed a motion to compel production of documents and a motion to compel answers to requests for admissions. (Docket # 19.) Thereafter the parties filed a stipulated discovery agreement (Docket # 23) that, among other things, stipulated to the court vacating the motions to compel. Accordingly, the motions to compel are now VACATED. (Docket # 19 and # 23)

Defendants filed a request for an extension of time to file their dispositive motion. Upon due consideration of the request and the accompanying declaration of attorney Kevin Voth, the court GRANTS the request. (Docket # 20.) The court now sets the following new briefing schedule: Defendants' motion to dismiss and for summary judgment filed on October 25, 2013

1 is deemed to have been timely filed. Plaintiff must file and serve on defense counsel his
2 opposition to the motion to dismiss and for summary judgment no later than **January 24, 2014**.
3 Defendants must file and serve their reply brief (if any) no later than **February 7, 2014**.

4 IT IS SO ORDERED.

5 Dated: December 16, 2013



SUSAN ILLSTON
United States District Judge